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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/688,822

Filing Date October 17, 2003

First Named Inventor Steven V. Leone

Art Unit 2681

Examiner Name Unknown

Attorney Docket Number C4-1099

### ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/  
Incomplete Application

☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks

CUSTOMER CODE 26799

☐ After Allowance Communication to TC

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify  
below):

PTO-1449  
References  
European Search Report  
Return Post Card

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Tyco Fire & Security

Signature

Printed name

Frank A. Cona

Date

April 4, 2005

Reg. No.

38,412

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

*Mariah Moorhead*

Typed or printed name

Mariah Moorhead

Date

April 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referenced herein are being deposited with the United States Postal Service as First Class Mail on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: April 4, 2005

Depositor's Name: Mariah Moorhead

Depositor's Signature: Mariah Moorhead

In re Appln of: Steven V. Leone

Customer Code No.: 26799

Serial No.: 10/688,822

Art Unit: 2681

Filing Date: October 17, 2003

Examiner: Unknown

Title: Electronic Article Surveillance Marker Deactivator Using Phase Control Deactivation

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Date: April 4, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants bring to the attention of the Examiner the document(s) listed on the attached form PTO-1449. This Supplemental Information Disclosure Statement is being filed prior the mailing date of any final action, notice of allowance, or an action that otherwise closes prosecution in the application.

The items listed on PTO-1449 were cited in the European Search Report EP 04 02 0361 which claims priority and corresponds to this U.S. patent application. The Search Report, a copy of which is enclosed herewith, was completed on January 27, 2005, which is less than 3 months from the filing date of this Supplemental IDS.

A copy of the listed document(s) is/are attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute

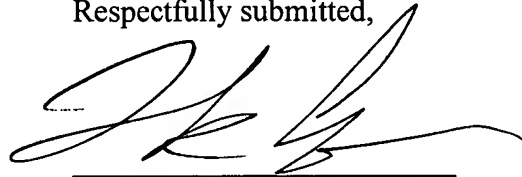
“prior art”. If the Examiner applies a document as prior art against any claim in the application and Applicants determine that the cited document does not constitute “prior art” under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of the document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

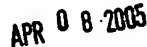
Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The Commissioner is authorized to charge payments of any fees required 37 CFR 1.17(p) and (i) to Deposit Account No. 19-1346.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. Cona', written over a horizontal line.

Frank A. Cona, Esq.  
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Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	10/688,822
Filing Date	October 17, 2003
First Named Inventor	Steven V. Leone
Art Unit	2681
Examiner Name	Unknown
Attorney Docket Number	C4-1099

Sheet	1	of	1
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[illegible][illegible]Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to enter office. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Applicant that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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